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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-SD7

13 **KRISTINE ANN WALTON,**
14 **aka KRISTINE ANN ATANASU**
15 **873 Sheffield Lane**
16 **Lincoln, CA 95648**

A C C U S A T I O N

Registered Nurse License No. 720955

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about February 22, 2008, the Board issued Registered Nurse License Number
23 720955 to Kristine Ann Walton, also known as Kristine Ann Atanasu ("Respondent"). The
24 license was in full force and effect at all times relevant to the charges brought herein.
25 Respondent's registered nurse license will expire on September 30, 2013, unless renewed.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

6. California Code of Regulations, title 16, section ("Regulation") 1442 states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. Regulation 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 9. At all times relevant to the charges brought herein, Respondent was employed as a
6 registered nurse at Rideout Memorial Hospital located in Marysville, California.

7 10. On or about June 20, 2010, Respondent was assigned to care for D. C., an acutely ill
8 patient with metastatic cancer. The patient's physician had ordered GoLYTELY in preparation
9 for a colonoscopy for a possible G-tube (feeding tube) placement. The order stated that a total of
10 4 liters of GoLYTELY was to be administered to the patient by mouth starting at 1600 hours,
11 8 oz every 10 minutes as tolerated.

12 11. Respondent documented in the patient's medical records that GoLYTELY was started
13 at 1600 hours. At 1705 hours, Respondent noted that "Golytely continues, patient tolerating
14 well." At 1747 hours, Respondent noted that the "family" was "assisting" and that there was "no
15 nausea or vomiting". At 1805 hours, Respondent noted that "Golytely" was "in progress".

16 12. At approximately 1900 hours (or later), a code blue was called and the patient was
17 placed in ICU on a breathing machine for unresponsiveness. On June 21, 2010, the patient
18 expired after being taken off of life support. The patient's cause of death was listed in the
19 autopsy report as lung cancer, which "may have been contributed to by the administration of
20 polyethylene glycol solution (GoLYTELY)".

21 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
22 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about June 20, 2010,
23 Respondent was guilty of gross negligence in her care of patient D. C. within the meaning of
24 Regulation 1442, as follows:

25 a. Respondent failed to give the patient 8 oz of GoLYTELY every 10 minutes as called
26 for in the physician's order and failed to closely monitor the patient's condition while he was
27 being given the oral preparation, placing him at risk for aspiration.

b. Respondent failed to ensure that the patient's family member(s) were able to safely assist her in giving the preparation to the patient, and failed to educate the family member(s) about aspiration precautions.

c. After being informed by the patient's daughter that she heard a "gurgling sound" coming from her father while he was being given the oral preparation, Respondent failed to go the patient's bedside to verify the information.

SECOND CAUSE FOR DISCIPLINE

(Incompetence)

14. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 9 through 12 above.

15. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about June 20, 2010, Respondent was guilty of incompetence in her care of patient D. C. within the meaning of Regulation 1443, as set forth in paragraph 13 above.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 9 through 12 above.

17. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about June 20, 2010, Respondent committed acts constituting unprofessional conduct, as set forth in paragraph 13 above.

PRAYER

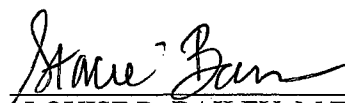
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 720955, issued to Kristine Ann Walton, also known as Kristine Ann Atanasu;

1 2. Ordering Kristine Ann Walton, also known as Kristine Ann Atanasu, to pay the
2 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: December 20, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

28 SA2012106860